

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON)	
	)	CASE NO.:
)	
LEROY BRUNSON AND)	
TATANYA BRUNSON,)	
)	
Plaintiffs,	)	SUMMONS
	)	(Jury Trial Demanded)
vs.)	
)	
ROBERT MILES,)	
)	
Defendant.)	
_____)	

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

CORNWELL & STEVENS, LLP
317 West York Street
Savannah, GA 31401
(912) 417-4597

BY: /s/ Walter Brian Cornwell
W. BRIAN CORNWELL
SC Bar No. 71988
Attorney for Plaintiffs

Dated: Jan. 3, 2019
Hampton County, South Carolina.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON)	
	)	CASE NO.:
)	
LEROY BRUNSON AND)	
TATANYA BRUNSON,)	
)	
Plaintiffs,	)	COMPLAINT
	)	(Jury Trial Demanded)
vs.)	
)	
ROBERT MILES,)	
)	
Defendant.)	
)	

Plaintiffs, LeRoy Brunson and Tatanya Brunson (hereinafter referred to as "Plaintiffs") bring this action against Defendant, Robert Miles (hereinafter referred to as "Defendant") based on the allegations set forth below.

1. Plaintiffs are citizens and residents of Chatham County, Georgia.
2. Defendant is believed to be a citizen and resident of Barnstable County, Massachusetts.
3. This suit arises out of an automobile collision that occurred in Hampton County, South Carolina on or about November 27, 2016.
4. The Plaintiffs were injured as a result of the collision occurring on November 27, 2016.
5. This Court has subject matter jurisdiction over the claims asserted herein, and venue is proper in Hampton County under South Carolina Code § 15-7-30 because the acts and omissions that are the subject of this action occurred in Hampton County, South Carolina.

FACTS

6. The accident which is the subject of this action occurred on or about November 27, 2016 in or around Hampton County, South Carolina.

7. On or about November 27, 2016, the Plaintiff, Tatanya Brunson was a passenger in a 2017 Toyota bearing South Carolina license plate number 3AL2319. Said vehicle was being driven by the Plaintiff, LeRoy Brunson.

8. On or about November 27, 2016, the Defendant, Robert Miles was the driver and owner of a 2014 Toyota bearing South Carolina license plate number 21GF43.

9. Both parties were traveling South on Interstate 95 near Yemassee, South Carolina on November 27, 2016.

10. Plaintiff, LeRoy Brunson observed the vehicles in front of him slowing and began to decrease his speed to accommodate the slowing traffic ahead.

11. As Plaintiff, LeRoy Brunson slowed his vehicle, the Defendant, Robert Miles, suddenly and without warning, slammed into the rear of the Plaintiffs' vehicle, causing property damage.

12. The police were dispatched to the scene and a report was filed.

13. As a result of the motor vehicle collision, the Plaintiffs sustained injuries.

14. As a result of the motor vehicle collision, Plaintiffs sought medical treatment for their injuries.

FOR A FIRST CAUSE OF ACTION

(as to Defendant, Robert Miles)

(Negligence - Personal Injury and Negligence Per Se)

15. Plaintiffs incorporate all allegations of the above paragraphs into this cause of action.

16. Defendant Miles was negligent, negligent per se, willful, wanton, careless, reckless, and grossly negligent at the time and place above mentioned in the following particulars:

- (a) In failing to use due care;
- (b) In failing to keep his vehicle under proper control;
- (c) In failing to keep a proper lookout;
- (d) In failing to use the degree of care and caution that a reasonably prudent driver would have used under the circumstances then and there prevailing;
- (e) In driving too fast for conditions;
- (f) In failing to obey the speed limit;
- (g) In failing to apply his brakes;
- (h) In operating a motor vehicle with a reckless disregard for the right and safety of others; and
- (i) In such other and further particulars as the evidence may show.

17. As a result of the collision on November 27, 2016, the Plaintiffs sustained serious physical injuries.

18. Defendant Miles breached South Carolina statutes, and S.C. Code § 56-5-1520 among other statutes, regarding driving too fast for conditions, which are designed to protect citizens, including the Plaintiffs, from injury due to a motor vehicle collision, property damage, and other damages as a result of negligent and reckless driving.

19. All of the above acts of negligence, negligence per se, willful, wanton, careless, and reckless conduct are in violation of the statutes, regulations, rules and laws of the State of South Carolina, and are the direct and proximate cause of the injuries and damages suffered by Plaintiffs.

20. Plaintiffs demand a jury trial.

WHEREFORE, Plaintiffs demand that judgment be entered against the Defendant on all causes of action and that Plaintiffs be awarded: (1) actual damages; (2) consequential damages; (3) punitive damages; (4) attorneys' fees and costs; and (5) such other and further relief as the Court and jury deem just and appropriate.

Respectfully Submitted:

/s/:Walter Brian Cornwell

Walter Brian Cornwell
S.C. Bar No. 71988
Cornwell & Stevens, LLP
317 West York Street
Savannah, GA 31401
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912-417-4617 (fax)
bcornwell@cornwellstevens.com
Attorney for Plaintiffs

Hampton County, SC

Dated: Jan. 3, 2019

By: W. Brian Cornwell

AFFIDAVIT OF SERVICE

State of South Carolina

County of Hampton

Fourteenth Judicial Circuit Court

Case Number: 2019CP2500003



JML2019025033

Plaintiff:

Leroy Brunson and Tatanya Brunson

vs.

Defendant:

Robert Miles

For:

Cornwell & Stevens, LLP

317 W York Street

Savannah, GA 31401

Received by Agency For Civil Enforcement Corporation d.b.a., A.C.E., Inc. on the 24th day of January, 2019 at 4:49 pm to be served on Robert Miles, 1390 Bunker Court, Vero Beach, FL 32966.

I, Karen Simmons, being duly sworn, depose and say that on the 28th day of January, 2019 at 8:44 am, I:

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **Summons; Complaint; Certificate of Service; Plaintiff's First Set of Interrogatories to Defendant, Robert Mills; Plaintiff's First Set of Requests for Production to Defendant, Robert Miles;** with the date and hour of service endorsed thereon by me, to: **Robert Miles** at the address of **1390 Bunker Court, Vero Beach, FL 32966**, and informed said person of the contents therein, in compliance with state statutes.

Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

Marital Status: Based upon inquiry of party served, Defendant is married.

Additional Information pertaining to this Service:

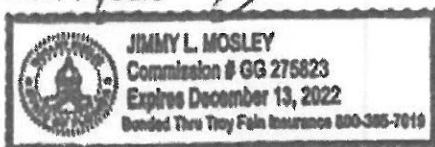
1/24/2019 7:12 pm PLEASE UPLOAD OR EMAIL THE DOCUMENTS

Description of Person Served: Age: 80s, Sex: m, Race/Skin Color: white, Height: 6'2, Weight: 190, Hair: grey, Glasses: n

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was attempted under penalties of perjury. I declare that I have read the foregoing document and that the facts stated in it are true.

Subscribed and Sworn to before me on the 28th day of January, 2019 by the affiant who is personally known to me.

NOTARY PUBLIC



Karen Simmons
CPS- 09-02

Agency For Civil Enforcement Corporation
d.b.a., A.C.E., Inc.
226 So 23rd Ave
Boynton Beach, FL 33435
(561) 325-5111

Our Job Serial Number: JML-2019025033

AFFIDAVIT OF SERVICE

State of South Carolina

County of Hampton

Fourteenth Judicial Circuit Court

Case Number: 2019CP2500003

Plaintiff:
 Leroy Brunson and Tatanya Brunson
 vs.
 Defendant:
 Robert Miles



For: Cornwell & Stevens, LLP

Received by A.C.E., Inc. on the 24th day of January, 2019 at 4:33 pm to be served on Robert Miles, 1390 Bunker Court, Vero Beach, FL 32966. I, Kellie Simmons being duly sworn, depose and say that on the 28 day of January, 2019 at 9:44am, executed service by delivering a true copy of the Summons; Complaint; Certificate of Service; Plaintiff's First Set of Interrogatories to Defendant, Robert Miles; Plaintiff's First Set of Requests for Production to Defendant, Robert Miles; in accordance with state statutes in the manner marked below:

- (☒) INDIVIDUAL SERVICE: Served the within-named person
 () SUBSTITUTE SERVICE: By serving _____ as _____
 () SUITABLE AGE PERSON: By Serving, Full time Co-Resident _____ as _____
 () POSTED SERVICE: After attempting service on _____ at _____ and on _____ at _____ to a conspicuous place on the property described herein
 () NON SERVICE: For the reason detailed in the Comments below.

Military Status: () Yes or (☒) No If yes, what branch? _____
 Marital Status: (☒) Married or () Single Name of Spouse _____

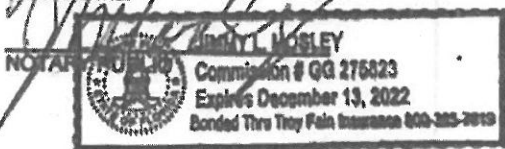
() MAILING: _____

COMMENTS: _____

Age 80's Sex M Race White Height 6'2 Weight 190 Hair Grey Glasses Y N

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 19 day of Jan by the affiant who is personally known to me.



PROCESS SERVER # 09-08
 Appointed in accordance with State Statutes

A.C.E., Inc.
 226 S.E. 23rd Avenue
 Boynton Beach, FL 33435
 (561) 447-7638

Our Job Serial Number: 2019025033

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO.: 2019-CP-25-00003
COUNTY OF HAMPTON)	
)	
LEROY BRUNSON AND TATANYA)	
BRUNSON,)	
)	
PLAINTIFFS,)	
)	
VERSUS	)	NOTICE OF APPEARANCE AS TO
	)	UM/UIM CARRIER
ROBERT MILES,)	
)	
DEFENDANT.)	

COMES NOW THE STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, an insurer which is alleged to provide uninsured/underinsured motorist coverage applicable to this action; and

1. Hereby reserves all of its rights pursuant to its policy of insurance, including, but not limited to, its right to deny that uninsured/underinsured motorist coverage is provided by its policy of insurance, and/or its right to deny the applicability of uninsured/underinsured motorist coverage to this action.
2. Hereby reserves all of its rights pursuant to S.C. Code Ann. Section 38-77-160 and all other applicable statutes and authorities.
3. Exclusively to the extent that failure to do so might affect its liability or any of the foregoing rights, appears in this action and denies the allegations of the Complaint for lack of sufficient information at this time.

BRAITHWAITE TIMMERMAN, LLC

February 7, 2019

BY: s/T. Paul Timmerman
T. Paul Timmerman
Counsel for State Farm Mutual
Automobile Insurance Company
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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF HAMPTON

CIVIL ACTION NO: 2019-CP-25-00003

LeRoy Brunson and Tatanya Brunson,

Plaintiffs,

v.

NOTICE OF APPEARANCE

Robert Miles,

Defendant.

The undersigned, as counsel for USAA General Indemnity Co., hereby notify and advise this Court, the parties above-named and their attorneys, that they are appearing on behalf of USAA General Indemnity Co., an insurance carrier which is alleged to provide underinsured motorist coverage to one or more parties to this action, and that, in making this appearance, USAA General Indemnity Co. specifically preserves and does not waive any rights pursuant to its policy of insurance including, but not limited to, the applicability of underinsured motorist coverage to this action and further intends to preserve all rights which it may have pursuant to South Carolina Code § 38-77-160 (1976 as amended).

MURPHY & GRANTLAND, P.A.

s/John M. Grantland

John M. Grantland, SC Bar #64158

4406-B Forest Drive (29206)

P.O. Box 6648

Columbia, South Carolina 29260

(803) 782-4100

Attorneys for USAA General Indemnity Co.

Columbia, South Carolina
February 11, 2019